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October 6, 2010

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Via ECF

The Honorable James Larson
United States Magistrate Judge
United States District Court for the
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Re: Tim Galli v. Pittsburg Unified School District, et al.
3:09-cv-03775-JSW

Dear Judge Larson:

As you know, a hearing was held this morning in the above-referenced matter on Plaintiff's motion to compel the production of the following two documents that Defendants contend are protected from disclosure under the attorney-client privilege: (1) a legal opinion written by myself and my former colleague, Laurie Juengert to the Pittsburg Unified School District's ("District") Board of Trustees, dated May 13, 2009; and (2) a memo written by my current colleague and co-counsel in this matter, Roy Combs to Tim Galli in his then official capacity as the District's Director of New Construction, Facilities, Maintenance and Technology, dated November 26, 2008.

At the hearing, Plaintiff's counsel, Mark Venardi represented to the Court that Board Trustee Joe Arenivar disclosed the May 13, 2009 legal opinion at issue to the Contra Costa County District Attorneys Office. Please note that this purported fact was not raised by Plaintiff in the parties' April 9, 2010 joint letter to Judge White. In light of this new purported fact represented to the Court by Mr. Venardi, Defendants request that the parties be permitted to submit short letter briefs (no more than 2 pages in length) addressing this new issue.

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Thank you for your consideration of this request.

Sincerely,

FAGEN FRIEDMAN & FULFROST, LLP

A handwritten signature in black ink, appearing to read "Joshua A. Stevens". The signature is stylized with a large, looping initial "J" and a cursive "A".

Joshua A. Stevens

JAS:jcf

cc: Mark L. Venardi, Esq.

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